

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	
MARTIN KENNEY and GARRETT	)	No. 2:17-Cr-0073-PD-1
KELLEHER,	)	
	)	Hon. Paul S. Diamond
Defendants.	)	
	)	

**RESPONSE OF COUNSEL TO DEFENDANT  
MARTIN S. KENNEY TO THE COURT’S APRIL 19, 2017 ORDER**

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*Attorney for Defendant  
Martin S. Kenney*

Pursuant to the Court's April 19, 2017 Order (Docket #16), the undersigned counsel to Defendant Martin S. Kenney ("Defendant") hereby informs the Court that Defendant will not appear at the Show Cause hearing scheduled for April 25, 2017. Defendant's foreign counsel has advised him not to appear in this matter in order to avoid prejudicing his jurisdictional defenses under foreign law, and Mr. Kenney intends to heed that advice.

Pursuant to Federal Rule of Criminal Procedure 43 and the United States Supreme Court's decision in *U.S. v. Crosby*, 506 U.S. 255 (1993), Mr. Kenney cannot be tried if he is physically absent from the commencement of such trial and for the duration of the proceedings.

Dated: April 20, 2017

Respectfully submitted,

**MARTIN S. KENNEY**

By: /s/ Patrick J. Egan

One of His Attorneys

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**CERTIFICATE OF SERVICE**

I certify that on April 20, 2017, a true and correct copy of the foregoing **RESPONSE OF COUNSEL TO DEFENDANT MARTIN S. KENNEY TO THE COURT'S APRIL 19, 2017 ORDER** was served by ECF upon the following:

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/s/ Patrick J. Egan\_\_\_\_\_